

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1337

Introduced by Assembly Member Evans

February 27, 2009

An act to amend Section 18370 of, and to add Section 319.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1337, as amended, Evans. Elections: electioneering.

Existing law makes it a crime to conduct certain political activities within 100 feet of a polling place *or an elections official's office* while the polls are open on election day. Electioneering is one of the activities prohibited by these provisions.

This bill would ~~provide a definition of~~ *define* electioneering as *displaying visible information that advocates for or against any candidate or measure on the ballot*.

This bill would extend the prohibition on specified political activities to satellite voting locations.

Because this bill would change *or expand* the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 319.5 is added to the Elections Code, to
2 read:

3 319.5. “Electioneering” means ~~the bringing of any readily~~
4 ~~visible information into a polling place, an elections official’s~~
5 ~~office, a satellite location under Section, 3018 or within 100 feet~~
6 ~~of a polling place, an elections official’s office, or a satellite~~
7 ~~location, displaying visible information~~ that advocates for or against
8 any candidate or measure on the ballot. Prohibited information
9 includes, but is not limited to, buttons, hats, pencils, pens, shirts,
10 signs, and stickers.

11 SEC. 2. Section 18370 of the Elections Code is amended to
12 read:

13 18370. No person, on election day, or at any time that a voter
14 may be casting a ballot, shall, within 100 feet of a polling place,
15 *a satellite location under Section 3018*, or an elections official’s
16 office:

17 (a) Circulate an initiative, referendum, recall, or nomination
18 petition or any other petition.

19 (b) Solicit a vote or speak to a voter on the subject of marking
20 his or her ballot.

21 (c) Place a sign relating to voters’ qualifications or speak to a
22 voter on the subject of his or her qualifications except as provided
23 in Section 14240.

24 (d) Do any electioneering as defined by Section 319.5.

25 As used in this section, “100 feet of a polling place, *a satellite*
26 *location under Section 3018*, or an elections official’s office”
27 means a distance 100 feet from the room or rooms in which voters
28 are signing the roster and casting ballots.

29 Any person who violates any of the provisions of this section is
30 guilty of a misdemeanor.

31 SEC. 3. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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